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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

THE PEOPLE,

Plaintiff and Respondent,

v.

GERARDO GONZALEZ MORA,

Defendant and Appellant.

C051805

(Super. Ct. No.
CRF03638)

In February 2004, defendant Gerardo Gonzalez Mora pleaded guilty to assault with force likely to cause great bodily injury. (Pen. Code, § 245, subd. (a)(1); unspecified section references that follow are to the Penal Code.) Imposition of sentence was suspended and defendant was placed on formal probation for three years on conditions including service of 120 days of incarceration with credit for 74 days, completion of an anger management program, and payment of a \$200 restitution fine (§ 1202.4), a \$135 laboratory analysis fee (Health & Saf. Code,

§ 11372.5, subd. (a)), a \$150 drug program fee (Health & Saf. Code, § 11372.7), and a \$20 court security fee (§ 1465.8).

In November 2004, a petition was filed alleging that defendant violated his probation by being terminated from the anger management program. Defendant admitted the violation. Probation was reinstated for three years commencing upon reinstatement. As a condition of probation, he was ordered to complete 240 hours in the Adult Offender Work Program.

In July 2005, a petition was filed alleging that defendant violated his probation by being discharged from, and thus failing to complete, the anger management program and the Adult Offender Work Program. Defendant admitted the violations.

Defendant was sentenced to state prison for three years and was awarded 105 days of custody credit and 50 days of conduct credit. The restitution fine and court security fee were confirmed. Defendant was ordered to pay a \$200 restitution fine suspended unless parole is revoked. (§ 1202.45.)

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Our review of the record reveals a minor error in the calculation of conduct credits. Defendant's 105 days of custody

credit entitle him to 52 days of conduct credit. (See *People v. Smith* (1989) 211 Cal.App.3d 523, 527; *People v. Bobb* (1989) 207 Cal.App.3d 88, 97.) We shall modify the judgment accordingly.

Having undertaken an examination of the entire record, we find no other arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is modified to award defendant 52 days of conduct credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

_____, HULL, J.

We concur:

_____, SIMS, Acting P.J.

_____, DAVIS, J.